

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RHONDA G. JOHNSON,

Plaintiff,

v.

LA QUINTA INNS, INC., *et al.*,

Defendants.

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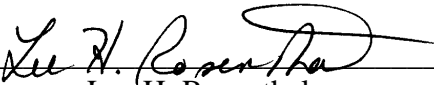
CIVIL ACTION NO. H-09-3498

ORDER

Rhonda Johnson has filed a motion for judgment in her favor based on La Quinta's failure to provide Rule 26(a) initial disclosures. (Docket Entry No. 20). La Quinta responded on April 20, 2010, stating that it would provide those disclosures the same day. (Docket Entry No. 21).

Federal Rule of Civil Procedure 37(c) permits courts to sanction parties that fail to provide initial disclosures. Rule 37(c) provides that a court may prevent a party from using the evidence it fails to disclose, "unless the failure is substantially justified or is harmless." FED. R. CIV. P. 37(c)(1). There is no evidence in the record that La Quinta's failure to disclose has prejudiced Johnson in any way. La Quinta has provided the initial disclosures. There is no basis for sanctions of any kind, much less the extreme sanction of dismissal. Johnson's motion is denied.

SIGNED on April 26, 2010, at Houston, Texas.



Lee H. Rosenthal
United States District Judge